

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Anne Fothergill, Development Review Specialist  
JFS  
Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

**DATE:** March 21, 2022

**SUBJECT:** Setdown Report for ZC #22-04, Consolidated PUD and related Zoning Map Amendment from PDR-2 to MU-6A and MU-4

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### **I. RECOMMENDATION**

The Applicant, Hanover R.S. Limited Corporate Partnership, submitted a request for a consolidated Planned Unit Development (“PUD”) and related zoning map amendment for Lots 82, 846, 856, and 8593 in Square 3846 and Lots 38, 825, 829, 832, 833, and 834 in Square 3841 to construct a mixed-use development with 723 residential units.

As described in Section VI of this report, the proposed PUD with related zoning would generally not be inconsistent with the maps and written elements of the Comprehensive Plan. As such, the Office of Planning **recommends the application be set down for a public hearing.**

The Applicant should provide additional information on the following prior to the public hearing:

- Residential unit breakdown by number of bedrooms
- Additional 3-bedroom units
- IZ unit location
- Reduced amount of parking
- Detail of maker space size and uses
- Detail of buildings’ entries including signage
- Color and materials board

### **II. APPLICATION IN BRIEF**

#### **Location:**

The irregular-shaped PUD site is located to the south of Franklin Street, N.E., to the east of WMATA tracks, to the west of an alley, residential buildings on Evarts Street, N.E., and Reed Street NE, and to the north of two alleys and a portion of Evarts Street, N.E. (see vicinity map below). Reed Street, N.E., which is technically an alley, runs through the site and 10<sup>th</sup> Street, N.E. is to the east of the site. (See surveyor’s plat in Exhibit 2B.)

**Ward/ANC:** Ward 5 / ANC 5B

#### **Current Zoning:** PDR-2

*The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.*

**Existing Use of the Property:**

The site currently has a number of uses including auto repair, warehouses, office and storage space, and surface parking.

**Comprehensive Plan Future Land Use Map Designation:**

The site is striped for mixed use with High Density Residential / PDR for most of the site and Moderate Density Residential / PDR on the northeast side of the site.

**Property Size:**

156,653 square feet

**Proposal:** Together with a related map amendment to the MU-6A and MU-4 zones, the Applicant proposes to construct a mixed-use development with approximately 723 residential units and 18,000 SF of PDR/maker space.

**Relief:** Pursuant to Subtitle Z, Chapter 3 of the DCMR 2016 Zoning Regulations, the Applicant seeks:

1. Consolidated PUD and related map amendment to the MU-6 and MU-4 Districts;
2. Lot occupancy (60% max.; 75% max. with IZ; 80% proposed);
3. Side yard (14 feet and 10.84 feet required; varying setbacks provided);
4. Rear yard (15 feet required; 11.75' proposed).

**Flexibility:** The Applicant has requested additional flexibility as outlined in Section V.

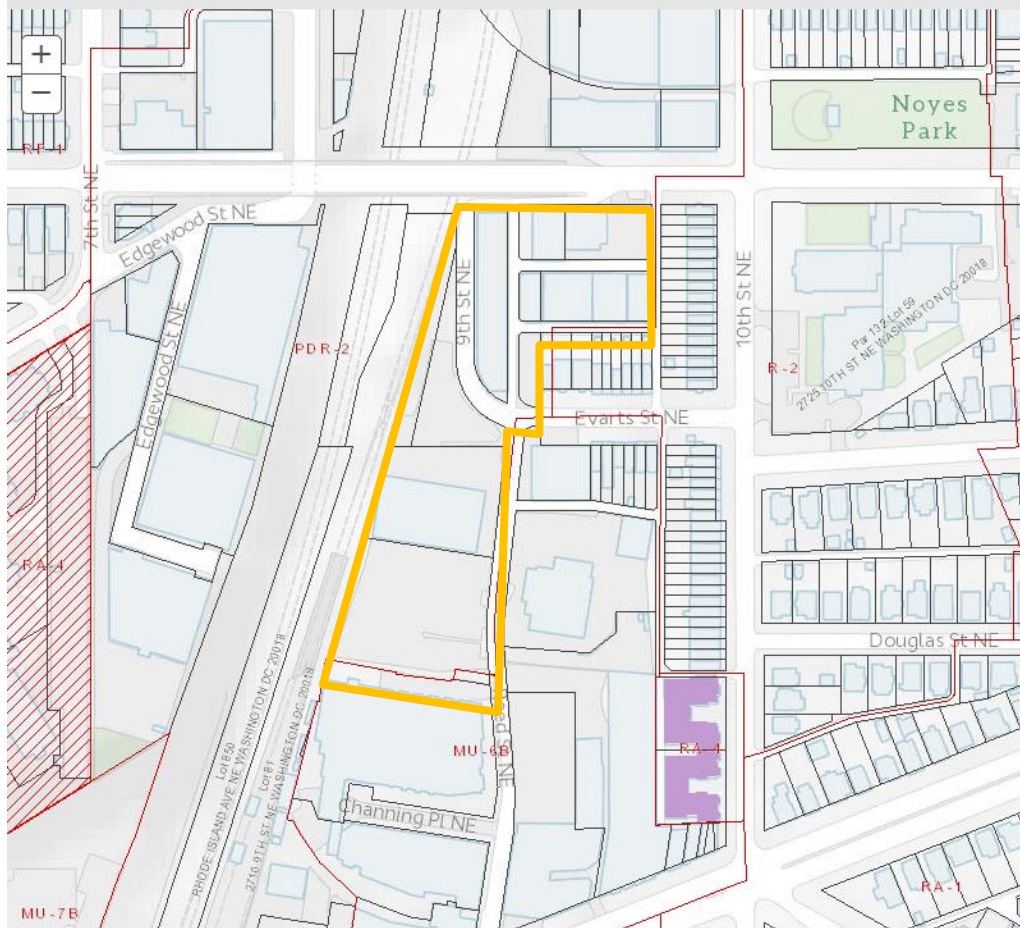
### **III. SITE AND AREA DESCRIPTION**

The irregular-shaped PUD site is located to the south of Franklin Street, N.E., to the east of WMATA tracks, to the west of an alley, and to the north of a driveway and a portion of an alley and a portion of Evarts Street, N.E. (see vicinity map below). Reed Street, N.E. runs through the site and 10<sup>th</sup> Street, N.E. is to the east of the site.

The site has a number of properties under different ownership and a variety of uses including warehouses, auto repair, office and storage space, and surface parking.

The site is located in the southeastern side the Brookland neighborhood and is generally surrounded by a mix of residential and non-residential uses. The properties to the east are predominantly residential with row dwellings located directly to the east along Evarts Street, N.E. and along 10th Street, N.E. There are non-residential uses and higher density residential uses to the south of the site. Further to the south across Rhode Island Avenue, N.E. are residential and retail uses.

The site is located approximately 0.25 mile from the Rhode Island Avenue Metrorail station to the south and just under one mile from the Brookland-CUA Metrorail station to the north. In addition, 12th Street, NE to the east of the PUD Site is served by two Metrobus routes. The Metropolitan Branch Trail is on the western side of the WMATA tracks.



#### IV. PROJECT DESCRIPTION

The Applicant proposes to construct a mixed-use development with two buildings with three massings located across the realigned Reed Street NE. “Phase I” at the southern end of the site would be connected by a bridge to the northern massing “Phase IIB”, and together they would be the “West Building” on the west side of Reed Street. Across Reed Street at the northeast corner of the site would be the “Phase IIA” building. The West Building would have MU-6A zoning and the Phase IIA building would be zoned MU-4, based on the Future Land Use Map designations. The Applicant proposes to construct the project in two phases – the Phase I Building first and the Phase II-A and II-B Buildings second.



**The Phase I and Phase IIB massings have a meaningful connection and are the “West Building”**

### Both Buildings

The overall development would have 723 residential units with a mix of studios, one, two and three bedroom units (a unit breakdown will be provided prior to the public hearing). 105-110 of these residential units would be affordable, which would be 15% of the overall residential GFA. There would be at least two three-bedroom affordable units and an IZ unit location plan will be provided prior to the public hearing. The income breakdown of the affordable units would be:

- 10% GFA - 80% MFI
- 80% GFA - 60% MFI
- 5% GFA - 50% MFI
- 5% GFA - 30% MFI

There would be 18,000 SF of PDR/makerspace on the ground floor of the Phase IIB and Phase IIA buildings. The height for the two buildings would be 84 feet (West Building)<sup>1</sup> and 65 feet (Phase IIA Building). The total proposed gross floor area (GFA) is 164,000 SF with an overall aggregate floor area ratio (FAR) of 4.91.

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<sup>1</sup> Building height measured from the grade abutting Franklin Street (not from the elevated bridge within the Franklin Street right-of-way).

Some units would have balconies and each building would provide parking, loading, bike storage, and trash within each building. Overall, there would be 332 parking spaces, 189 long-term bicycle spaces, and 36 short term bicycle spaces.

The project would be designed to LEED v4 Multifamily Midrise Gold specifications with sustainable features including solar panels and green roofs.

Both buildings would meet the development standards of the two zones, except for side yard, rear yard and lot occupancy, from which the Applicant has requested flexibility (see Section V).

The project includes the closure of several alley legs within the PUD site and a realignment of the Reed Street alley which would be constructed to DDOT street standards. The improved Reed Street alley would have sidewalks, street trees, and bioretention along the west side. The alleys off 10<sup>th</sup> Street and Evarts Street would be repaved with pervious pavers and there would be new street lighting and other streetscape improvements. The Applicant has worked with DDOT and committed to a number of improvements that will be delivered prior to the issuance of the Phase I Certificate of Occupancy and before the Phase 2 Certificate of Occupancy (see Exhibit 3).

#### West Building – Phase I and Phase IIB (west of Reed Street and to be zoned MU-6A)

The Phase I Building (southern end) would have approximately 420 new residential units, with residential amenity space and a courtyard fronting Reed Street. There would be 185 underground parking spaces accessed off Reed Street through a private alley located between the two connected massings of Phase I and Phase IIB of the West Building.

The Phase II-B Building would provide approximately 205 residential units and approximately 8,160 square feet of ground-floor PDR/makerspace uses at the corner of Evarts Street and Reed Street. In this building there would be 51 parking spaces accessed off the private alley off Reed Street.

Both buildings would have outdoor pools and courtyard amenity space.

#### Phase IIA Building (east of Reed Street and to be zoned MU-4)

The Phase II-A Building would have approximately 98 residential units with six walk-out units on the south elevation off the public alley. There would be approximately 10,240 square feet of ground floor PDR/makerspace use fronting Franklin Street. There would be 49 parking spaces accessed off the public alley off Franklin Street. The Phase II-A building would be 65 feet tall but would be set back 23 feet above the 4<sup>th</sup> floor on the south and east sides where the building would abut public alleys and neighboring residential properties.

## **V. ZONING**

### **A. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES**

The Applicant proposes two different mixed-use zones based on the two different Future Land Use Map designations for the subject site. The Phase IIA building across Reed Street at the east side of the site would be rezoned MU-4 and the West Building would be rezoned MU-6A. The current PDR-2 zoning does not permit multi-family residential development, which is inconsistent with the Future Land Use Map's mixed use Residential/PDR designation.

Existing PDR-2 Zoning: Subtitle J, Chapter 2 of the zoning regulations states "*The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and*

*requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.”* The PDR-2 zone permits a maximum density of 4.5 floor-area ratio (FAR) for uses falling within the below use categories listed in Subtitle J § 202.2:

- (a) Agriculture, large
- (b) Animal care and boarding and animal shelter
- (c) Arts, design, and creation
- (d) Basic utilities;
- (e) Large-scale government;
- (f) Production, distribution, and repair; and
- (g) Waste-related services.

All other permitted, conditional, or special exception uses are limited to a maximum density of 3.0 FAR. The maximum permitted building height, not including a penthouse, in the PDR-2 zone is 60 feet.

The following table compares the existing matter-of-right development capacity of the PDR-2 zone with the MU-4 and MU-6A MOR and PUD requirements and the proposed development.

**West Building (Site Area 124,724 sf)**

	<b><u>Allowed/ Required by PDR-2 Matter-of-Right</u></b>	<b><u>Allowed/ Required by MU-6A Matter-of-Right</u></b>	<b><u>Allowed/ Required by MU- 6A PUD</u></b>	<b><u>Proposed</u></b>
<b><u>Height</u></b>	60'	90' / 100' (IZ)	110'	84'
<b><u>Penthouse Height</u></b>	12' habitable; 18' – 6" mechanical	20'	20'	N/A
<b><u>Number of Units</u></b>	N/A	N/A	N/A	Approx. 625
<b><u>FAR*</u></b>	3.0 (restricted); 4.5 (permitted)	6.0 / 7.2 (IZ)	8.64	5.22 5.15 – residential 0.07 – non-residential
<b><u>Square Footage</u></b>	374,172 sf (restricted); 561,528 sf (permitted)	748,344 sf 898,012.8 sf (IZ)	1,077,615.36 sf**	650,690 sf 642,530 sf – residential 8,160 sf – non- residential
<b><u>Lot Occupancy</u></b>	No maximum	80% / 90% (IZ)*	90%	86%
<b><u>Rear Yard</u></b>	2.5' per 1' height; 12' minimum	15 ft.	15 ft.	15 ft.
<b><u>Side Yard</u></b>	None required	None required; 2" per 1' height when provided, 5' min.	None required; 2" per 1' height when provided, 5' min.	West – 14 ft. provided except @ 2 locations East – varies along Reed Street <b><i>Flexibility requested</i></b>
<b><u>GAR</u></b>	0.3	0.3	0.3	0.3
<b><u>Open Courts</u></b>	None required, but if provided 2.5" per 1" of height; 6' minimum	4" per 1' of height; 10' min.	4" per 1' of height; 10' min.	O.C. I 1: 72' – 0" O.C. IIB 1: 22' – 8" O.C. IIB 2: 38' – 0" O.C. IIB 3: 30' – 0" O.C. IIB 4: 30' – 0"
<b><u>Closed Court</u></b>	None required, but if provided: Width – 12; min. Area –; 250 sf min.	Width – 4" per 1' of height; 15' min. Area – 350 sf min.	Width – 4" per 1' of height; 15' min. Area – 350 sf min.	C.C. I 2 Width – 61' – 6" Area – 7,434 sf
<b><u>Vehicle Parking</u></b>	109 spaces *50% reduction due to 0.5 mile vicinity of Metro	109 spaces *50% reduction due to 0.5 mile vicinity of Metro	109 spaces *50% reduction due to 0.5 mile vicinity of Metro	283 spaces
<b><u>Bicycle Parking</u></b>	155 long term 31 short term	155 long term 31 short term	155 long term 31 short term	155 long term 31 short term
<b><u>Loading</u></b>	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf	2 loading berths and 2 services spaces
<b><u>IZ</u></b>	Not Applicable; No multifamily residential use permitted	8% of residential GFA	8% of residential GFA	15% of residential GFA

**Phase IIA Building – East side of Reed Street (31,929 sf)**

	<u>Allowed/ Required by PDR-2 Matter-of-Right</u>	<u>Allowed/Required by MU-4 Matter-of- Right</u>	<u>Allowed/Require d by MU-4 PUD</u>	<u>Proposed</u>
<b><u>Height</u></b>	60'	50'	65'	65'
<b><u>Penthouse Height</u></b>	12' habitable; 18' – 6" mechanical	12' habitable; 15' mechanical	12' habitable; 18' 6" mechanical	N/A
<b><u>Number of Units</u></b>	N/A	N/A	N/A	Approx. 98
<b><u>FAR*</u></b>	3.0 (restricted); 4.5 (permitted)	2.5 / 3.0 (IZ)	3.6	3.4 – residential 0.32 – non-residential
<b><u>Square Footage</u></b>	95,787 sf (restricted); 143,680.50 sf (permitted)	79,822.5 sf 95,787 sf (IZ)	114,944.4 sf**	118,800 sf 108,560 sf – residential 10,240 sf – non- residential
<b><u>Lot Occupancy</u></b>	No maximum	60% / 75% (IZ)	75%	80% <b>Flexibility requested</b>
<b><u>Rear Yard</u></b>	2.5' per 1' height; 12' minimum	15'	15'	11 ft., 8 in. <b>Flexibility requested</b>
<b><u>Side Yard</u></b>	None required	None required; 2" per 1' height when provided, 5' min.	None required; 2" per 1' height when provided, 5' min.	East – 15 ft. West – varies along Reed Street <b>Flexibility requested</b>
<b><u>GAR</u></b>	0.3	0.3	0.3	0.3
<b><u>Open Courts</u></b>	None required, but if provided 2.5" per 1' of height; 6' minimum	4" per 1' of height; 10' min.	4" per 1' of height; 10' min.	O.C. IIA 1: 35' – 8"
<b><u>Vehicle Parking</u></b>	17 spaces *50% reduction due to 0.5 mile vicinity of Metro	17 spaces *50% reduction due to 0.5 mile vicinity of Metro	17 spaces *50% reduction due to 0.5 mile vicinity of Metro	49 spaces
<b><u>Bicycle Parking</u></b>	33 long term 5 short term	33 long term 5 short term	33 long term 5 short term	34 long term 5 short term
<b><u>Loading</u></b>	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf	1 berth @30' 1 s/d space @ 20' 1 platform @ 100 sf	1 loading berth and 1 service delivery space
<b><u>IZ</u></b>	No multifamily residential use permitted	Greater of 10% residential GFA or 75% of IZ bonus density	Greater of 10% residential GFA or 75% of IZ bonus density	15% of residential GFA

\*The Phase I Building is the first phase of the West Building with 3.44 FAR, prior to construction of Phase II-B. The Phase II-B Building would add approximately 221,768 square feet of GFA, and ultimately the combined West Building would have a total of 5.22 FAR. The Phase II-A Building would include approximately 118,800 square feet of GFA, or 3.72 FAR, which exceeds the maximum FAR for



the MU-4 zone. However, the total project would have an FAR of 4.91, which would comply with the FAR requirements when aggregated across the PUD.

Specifically for height and FAR, the Applicant provided the following chart of permitted and proposed density for the two buildings and the two zones on the site:

**Zone Change from PDR-2 to MU-4**

	PDR-2	MU-4	Proposed Phase II-A	Gain (compared to existing zoning)
Density	MOR: 4.5 Max (3.0 for restricted uses)  PUD: 5.4 Max (3.6 for restricted uses)	MOR: 2.5 IZ: 3.0 PUD: 3.6	3.72 FAR*	No gain compared to existing zoning
Height	MOR: 60'  PUD: 60'	MOR: 50' IZ: 50' PUD: 65'	65'	5' compared to MOR

\*Aggregate FAR for overall PUD Site complies with permitted GFA per 11 X DCMR § 303.2

**Zoning Change from PDR-2 to MU-6A**

	PDR-2	MU-6A	Proposed West Building (Phase I, Phase II-B)	Gain (compared to existing zoning)
Density	MOR: 4.5 Max (3.0 for restricted uses)  PUD: 5.4 Max (3.6 for restricted uses)	MOR: 6.0 IZ: 7.2 PUD: 8.64	5.22 FAR	0.72 FAR compared to MOR  No gain compared to PUD
Height	MOR: 60'  PUD: 60'	MOR: 90' IZ: 100' PUD: 110'	84'	24' compared to MOR

**B. RELIEF AND FLEXIBILITY REQUESTED**

As shown in the tables above, the proposed development meets all development standards of the zones, except the application requests relief from:

1. Lot occupancy (60% max.; 75% max. with IZ; 80% proposed);
2. Side yard (14 feet and 10.84 feet required; varying setback provided); and
3. Rear yard (15 feet required; 11.75' proposed).

The Applicant also requests the following flexibility:

1. To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%);
2. To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;

3. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
4. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed by the Plans;
5. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railing, and skylights;
8. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Plans;
9. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the Plans;
10. To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; and
11. To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the PUD does not decrease below the minimum proposed for the Project as specified by the order; and
12. To vary the types of uses designated as “PDR/makerspace” uses on the approved plans to include the following uses: production, sale, distribution, and/or consumption of food and beverages; small-scale production and repair of goods and related sales; media/communications production and distribution; arts and entertainment; traditional crafts and trades; recreation uses; engineering and design; and technology design and production.

OP does not recommend approval of the requested flexibility item number 9 above, regarding the IZ Units. OP recommends that the IZ proffer be the greater of the amount proposed in this application (15% of 751,090 SF GFA or 112,664 SF) or more if the residential square footage increases but that the IZ proffer not be decreased even if the overall GFA decreases.

If set down, an analysis of the relief and flexibility that has been requested will be provided in the OP Hearing Report.

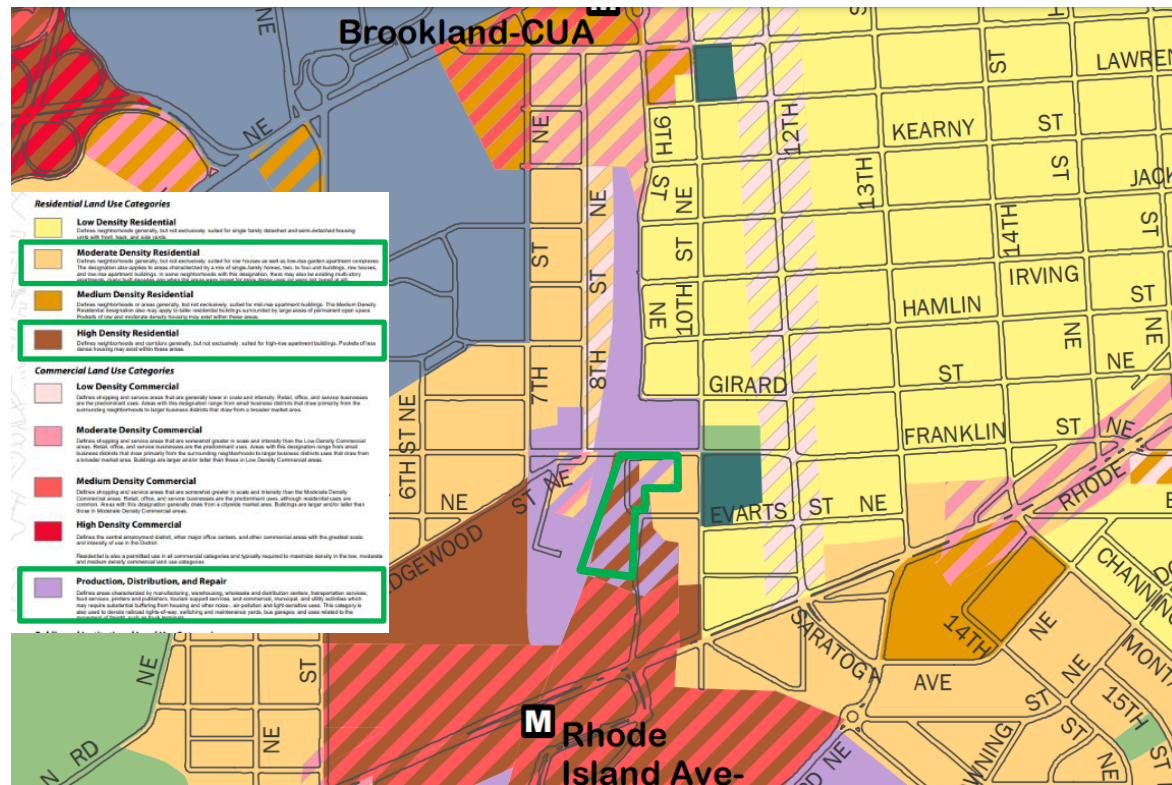
## **VI. COMPREHENSIVE PLAN**

### **A. COMPREHENSIVE PLAN MAPS**

The Guidelines for Using the Generalized Policy Map and the Future Land Use Map in the Framework Element state that the “*Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions, and are considered in concert with other Comprehensive Plan policies.*” Additionally, “. . . the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the Citywide Elements and the Area Elements.”

As described below, the proposed zoning map amendment would be not inconsistent with the map designations or the Citywide and Area Elements.

## Future Land Use Map (FLUM)



*Mixed Use Categories: The Future Land Use Map indicates areas where the mixing of two or more land uses is especially encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. A Mixed Use Future Land Use Map designation should not be confused with the Mixed Use (MU) zoning districts, although they frequently apply to the same area or parcel of land. The Mixed Use Category generally applies in the following circumstances:*

- Established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground-floor retail or office uses;*
- Commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground-floor retail or office uses and upper story housing;*
- Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and*
- Development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses.*

*The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground-floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix (in this case, Moderate Density Residential/Low Density Commercial). The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned.*

*It should also be acknowledged that because of the scale of the Future Land Use Map and the fine-grained pattern of land use in older parts of the city, many of the areas shown purely as “Commercial” may also contain other uses, including housing. Likewise, some of the areas shown as purely “Residential” contain existing incidental commercial uses such as corner stores or gas stations, or established institutional uses, such as places of worship. The “Mixed Use” designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future.*

*A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. All zone districts formerly identified as commercial, SP, CR and Waterfront were renamed as MU zone districts in 2016, and are considered to be mixed use. Residential uses are permitted in all of the MU zones, however, so many Mixed Use areas may have MU zoning.*

***Moderate Density Residential:***

*This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.*

***High Density Residential:***

*This designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. Density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-4 and RA-5 Zone Districts are consistent with the High Density Residential category, and other zones may also apply. 227.8*

The MU-4 zone is intended to:

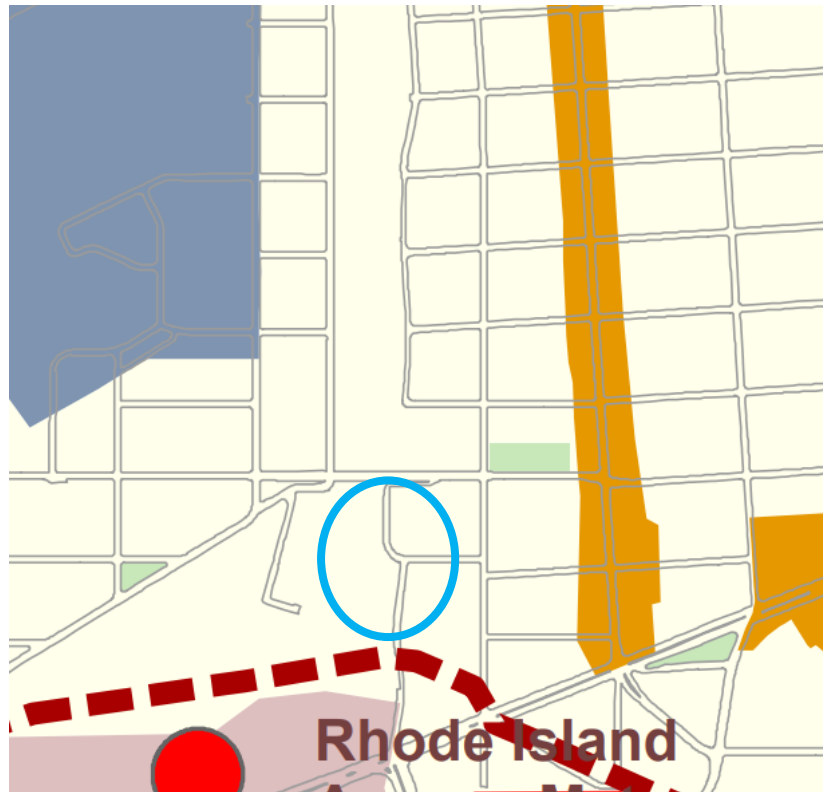
- (a) Permit moderate-density mixed-use development;*
- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and*
- (c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.*

The MU-6 zones are intended to:

- (a) Permit medium- to high-density mixed-use development with a focus on residential use; and*
- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.*

The Future Land Use Map designation for the property is striped for mixed use with High Density Residential/PDR and another small section shows the designation striped for Moderate Density Residential/PDR at the northeast section of the site along Franklin Street, N.E. The MU-6A and MU-4 zones are not inconsistent with these designations.

### **Generalized Policy Map**



### ***Neighborhood Conservation Areas***

*Neighborhood Conservation areas have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided. 225.4*

*The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities. 225.5*

The Generalized Policy Map indicates that the area of the proposed rezoning is within the policy area designated as a designated as a Neighborhood Conservation Area. As the Framework Element states:

“Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies” and this designation does “not preclude development, particularly to address city-wide housing needs.”

## **B. Comprehensive Plan Policies**

### **Framework Element**

The proposed PUD would further the following guidance found within this element under “Managing Growth and Change: Guiding Principles”:

*(4) Diversity also means maintaining and enhancing the District's mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples, and for all income levels.*

*(5) The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income.*

*(7) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must be designed to respect the integrity of stable neighborhoods and the broader community context, and encourage housing and amenities for low-income households, who rely more on transit. Adequate infrastructure capacity should be ensured as growth occurs.*

*(13) The recent population boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing, especially for low-income and workforce households, are essential to avoid a deepening of racial and economic divides in the city, and must occur city-wide to achieve fair housing objectives. Affordable renter-and owner- occupied housing production and preservation is central to the idea of growing more inclusively, as is the utilization of tools such as public housing, community land trusts, and limited equity cooperatives that help keep the costs of land affordable, particularly in areas with low homeownership rates and those at risk of cost increases due to housing speculation.*

The Framework Element also states:

*The second way is through a Planned Unit Development (PUD), often for sites that have more than one parcel or building. The goal of a PUD is to permit development flexibility greater than specified by matter-of-right zoning, such as increased building height or density, provided that the project offers a commendable number or quality of public benefits, and protects and advances the public health, safety, welfare, and convenience. These public benefits should be lasting and are developed through discussions between developers, District representatives, Advisory Neighborhood Commissions, civic organizations, and the community. As part of the PUD process, the Zoning Commission may include a zoning map amendment for the purpose of the PUD, which is applicable only for the duration of the PUD, and subject to PUD conditions. The PUD process is not to be used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. In considering whether a PUD is “not inconsistent” with the Comprehensive Plan, it is appropriate to consider the context of the entire site, such as aggregating density on one portion so as to increase open space on another portion — achieving an overall density that is consistent with the Plan.*

*In its decision-making, the Zoning Commission must make a finding of “not inconsistent with the Comprehensive Plan.” To do so, the Zoning Commission must consider the many competing, and sometimes conflicting, policies of the Comprehensive Plan, along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the Zoning Commission to consider and balance those policies relevant and material to the individual case before it in its decision-making, and clearly explain its decision-making rationale.*

*Specific public benefits are determined through each PUD application and should respond to critical issues facing the District as identified in the Comprehensive Plan and through the PUD process itself. In light of the acute need to preserve and build affordable housing, described in Section 206, and to prevent displacement of on-site residents, the following should be considered as high-priority public benefits in the evaluation of residential PUDs:*

- The production of new affordable housing units above and beyond existing legal requirements or a net increase in the number of affordable units that exist on-site;*
- The preservation of housing units made affordable through subsidy, covenant, or rent control, or replacement of such units at the same affordability level and similar household size;*
- The minimizing of unnecessary off-site relocation through the construction of new units before the demolition of existing occupied units; and*
- The right of existing residents of a redevelopment site to return to new on-site units at affordability levels similar to or greater than existing units.*

## **Land Use Element**

*The Land Use Goal is: Ensure the efficient use of land resources to meet long-term neighborhood, District-wide, and regional needs to help foster other District goals; to protect the health, safety, and welfare of District residents, institutions, and businesses; to address past and current inequalities disproportionately impacting communities of color; to sustain, restore, or improve the character, affordability, and equity of neighborhoods in all parts of the District; to provide for additional housing and employment opportunities; and to effectively balance the competing demands for land to support a growing population and the many activities that take place within Washington, DC’s boundaries. 302.1*

### ***Policy LU-1.4.1: Station Areas as Neighborhood Centers***

*Encourage the development of Metro stations as anchors for residential, economic, and civic development and to accommodate population growth with new nodes of residential development, especially affordable housing, in all areas of the District in order to create great new walkable places and enhance access and opportunities for all District residents. The establishment and growth of mixed-use centers at Metrorail stations should be supported as a way to provide access to housing opportunities at all income levels and emphasizing affordable housing, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities that the stations provide. Station area development should have population and employment densities guided, but not dictated, by desired levels of transit service. This policy should be balanced with other land use policies, which include conserving neighborhoods. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 307.9*



***Policy LU-1.4.2: Development Around Metrorail Stations***

*In developments above and around Metrorail stations emphasize land uses and building forms that minimize the need for automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 307.10.*

***Policy LU-1.4.3: Housing Around Metrorail Stations***

*Build housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production. Leverage the lowered transportation costs offered by proximity to transit to increase affordability for moderate and low-income households. 307.11*

***Policy LU 3.2.3: Retain and Support PDR Uses in Areas Designated for Mixed PDR Uses***

*To promote long term retention of PDR uses, development on areas striped to include PDR on the Future Land Use Map must include industrial space intended for use during the life of the project, and on sites containing existing industrial space the amount of industrial space on-site should be substantially preserved. The mix of uses and site design of these areas must support the long-term retention of PDR uses, and minimize potential conflicts with PDR uses. PDR uses that are less intense and/or have less impacts may be more appropriate for areas striped to include PDR. The Florida Avenue Market Study area shall be subject to the industrial use concepts set forth in that Small Area Plan but is not subject to this policy. Use the Ward 5 Industrial Land Transformation Study recommendations to guide current and future uses and redevelopment in that area. 316.4*

***Policy LU-3.2.4: Redevelopment of Obsolete Industrial Uses***

*Encourage the reuse of nonproductive industrial sites, such as vacant warehouses and open storage yards, with higher value PDR uses, including public works facilities, and other activities that support the core sectors of the District economy (federal government, hospitality, higher education, etc.). 316.5*

***Policy LU-3.2.6: Rezoning of Industrial Areas***

*Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations and small sites in the midst of established residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas. 316.7*

The proposed PUD is a mixed use development in very close proximity to the Rhode Island Avenue Metro station, which is in keeping with the Land Use Element's policies that promote development near Metro and the goal to "effectively balance the competing demands for land to support a growing population and the many activities that take place within Washington, DC's boundaries." The Element states that "The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area." As noted below, both the Area Element and the Small Area Plan support mixed use development in this area.

Without the proposed rezoning, which is not inconsistent with the FLUM, residential uses could not be located here. The development would bring housing, including affordable housing, and makerspace retail uses to Franklin and Reed Streets, N.E. The Comprehensive Plan has many policies that support additional housing and housing near transit, as this project would provide, and while there may be conflicting policies related to retention and use of industrially-zoned land, on balance a mixed use development with significant affordable housing in this location would generally not be inconsistent with the Comprehensive Plan's policies.



In assessing how to effectively balance competing demands for land as stated in the Goal, one concern is how to address limited and decreasing industrially-zone land in the city and adequately implement the PDR stripe on this site. The Element states: “To promote long term retention of PDR uses, development on areas striped to include PDR on the Future Land Use Map must include industrial space intended for use during the life of the project, and on sites containing existing industrial space the amount of industrial space on-site should be substantially preserved.” In terms of this application and PDR use, the PUD site has more than 150,000 SF of land area that is currently zoned for PDR use, and the Applicant states that there are 27,500 SF of active PDR uses on the site, and the PUD proposes 18,000 SF of ground floor maker space retail uses. While a formula isn’t provided, the Element states that “the amount of industrial space on-site should be substantially preserved.”

Generally, OP recommends that there be a significant amount of square footage allocated for PDR uses when there is a proposed rezoning with a PDR stripe based on this specific Comprehensive Plan guidance. In this case, the Applicant has explained why they are not able to provide more space based on the location of the buildings on the Reed Street alley, the topography of the site, and other factors. Due to the challenges of the location identified by the Applicant, perhaps this could be an opportunity to provide space for a PDR use that does not necessarily have a storefront or retail component. Additionally, or alternatively, the Applicant could consider leasing the maker space at below market rates to support local small businesses.

The Land Use Element also states:

*Some historically industrial areas now have mixed-use land use designations that combine PDR with commercial and/or residential uses. These designations indicate that PDR uses with lower impacts, such as maker space, beverage manufacturing and food preparation should be integrated with a broader range of uses including housing. The intent is to support community revitalization while supporting existing PDR uses and encouraging new PDR businesses and more affordable housing. 315.6*

While the Element states “PDR uses that are less intense and/or have less impacts may be more appropriate for areas striped to include PDR” the intent is to support existing PDR uses and encourage new ones, albeit those with lower impacts due to the proximate new residential uses. In keeping with that, the Applicant should consider refining the uses proposed for the allocated maker space. This could be an opportunity to provide workspace to sectors of the maker and creative economy that may not be available in other locations.

The Applicant proposes a fairly broad definition of maker space or maker use:

1. Production, sale, distribution, and/or consumption of food and beverages;
2. Small-scale production and repair of goods and related sales;
3. Media/communications production and distribution;
4. Arts and entertainment;
5. Traditional crafts and trades;
6. Recreation uses;
7. Engineering and design; and
8. Technology design and production.

Based on the intent of the recently updated language in the Comprehensive Plan, the Applicant should work to expand the amount of space allocated for PDR uses if possible and refine the type of uses proposed for the space to ensure that they are intended to provide on-site production, distribution, and repair uses and, as the Element states, support existing PDR uses and encourage new PDR businesses. If set down, OP can work with the Applicant and provide more information in the Hearing Report about approved PDR and maker space uses in similar PUDs in recent Zoning Commission decisions.

## **Transportation Element**

*The overarching goal for transportation in the District is: Create a safe, sustainable, equitable, efficient, and multimodal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents. 401.1*

### **Policy T-1.1.4: Transit-Oriented Development**

*Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Encourage development projects to build or upgrade the pedestrian and bicycle infrastructure leading to the nearest transit stop to create last-mile connections. Pedestrian movements and safety should be prioritized around transit stations. 403.10*

### **Policy T-1.1.8: Minimize Off-Street Parking**

*An increase in vehicle parking has been shown to add vehicle trips to the transportation network. In light of this, excessive off-street vehicle parking should be discouraged. 403.14*

### **Policy T-2.3.4: Capital Bikeshare Expansion**

*Continue the expansion of Capital Bikeshare stations throughout the District to develop a complete bicycle-sharing network and encourage bicycling. Expansion of the system should balance service provisions, system costs, public input, and revenue-generation concerns. The cost of a Capital Bikeshare membership or the technology used to become a member should not be a barrier to using the system. 410.12*

### **Policy T-2.3.5: Capital Bikeshare Access**

*Continue to increase utility of the system for users by locating stations so that 65 percent of residents and 90 percent of employees are within a quarter mile of a Capital Bikeshare station. Expand user access to destinations, including jobs and services; promote retail and entertainment access; and expand access to residential neighborhoods to encourage annual ridership increases. 410.13*

### **Policy T-2.4.1: Pedestrian Network**

*Develop, maintain, and improve pedestrian facilities. Improve the District's sidewalk system to form a safe and accessible network that links residents across Washington, DC. 411.5*

### **Policy T-2.4.2: Pedestrian Safety**

*Improve safety and security at key pedestrian nodes throughout the District. Use a variety of techniques to improve pedestrian safety, including textured or clearly marked and raised pedestrian crossings, pedestrian-actuated signal push buttons, high-intensity activated crosswalk pedestrian signals, rectangular rapid flashing beacons, accessible pedestrian signal hardware, leading pedestrian interval timing, and pedestrian countdown signals. 411.6*

### **Policy T-2.4.3: Traffic Calming**

*Continue to address traffic-related safety issues through carefully considered traffic-calming measures. Expedite processes for implementing traffic calming measures at locations and corridors identified as having the highest number of incidents involving bicyclists and pedestrians. 411.7*

### **Policy T-3.1.1: TDM Programs**

*Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes), to increase the efficiency of the transportation system. 415.10*

The project is a transit-oriented mixed-use development within close proximity to the Rhode Island Avenue Metrorail station (.25 miles) and other public transportation, and the Applicant will install a

Capital BikeShare station. The Applicant is proposing significantly more parking spaces (332) than required by zoning (131) in this transit-accessible location, while the Element's guidance states that an "increase in vehicle parking has been shown to add vehicle trips to the transportation network...excessive off-street vehicle parking should be discouraged." The Applicant could consider reducing garage parking spaces provided

Working with DDOT, the Applicant is planning a number of alley leg closings with the realignment and reconstruction of the Reed Street alley. There would be new sidewalks, streetscape improvements, pervious alleys around the buildings, and other improvements that are in keeping with the policies of this element.

### **Housing Element**

*The overarching goal for housing is to provide a safe, decent, healthy, and affordable housing supply for current and future residents in all of Washington, DC's neighborhoods by maintaining and developing housing for all incomes and household types. The overall goal for the District of Columbia is that a minimum of one third of all housing produced should be affordable to lower-income households. The short-term goal is to produce 36,000 residential units, 12,000 of which are affordable, between 2019 and 2025. 501.1*

#### ***Policy H-1.1.1: Private Sector Support***

*Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3*

#### ***Policy H-1.1.3: Balanced Growth***

*Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District to meet its long-term housing needs, including the need for low- and moderate density single-family homes, as well as the need for higher-density housing. 503.5*

#### ***Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority***

*The production and preservation of affordable housing for low- and moderate income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods. 504.7*

#### ***Policy H-1.2.2: Production Targets***

*Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI. Newly produced affordable units shall be targeted toward low-income households in proportions roughly equivalent to the proportions shown in Figure 5.8. 504.8*

#### ***Policy H-1.2.11 Inclusive Mixed-Income Neighborhoods***

*Support mixed-income housing by encouraging affordable housing in high-cost areas and market rate housing in low-income areas. Identify and implement measures that build in long-term affordability, preferably permanent or for the life of the project, to minimize displacement and achieve a balance of housing opportunities across the District. 504.18*

#### ***Policy H-1.3.1: Housing for Larger Households***

*Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate*

*and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail. 505.8*

The proposal is for 723 new residential units on a site that currently has no housing and the current zoning would not allow housing, which is consistent with citywide planning goals to expand the housing supply. The Upper Northeast Planning Area Element of the Comprehensive Plan and the Housing Equity Report both support the creation of new market rate and affordable housing in this area.

The current proposal is to provide studios, one, two, and three bedroom units. The Applicant hasn't provided a unit configuration breakdown yet but has committed to at least two 3-bedroom affordable units and should consider providing more larger family-sized units – both affordable and market-rate - within the buildings.

The residential units would include approximately 15% of the residential GFA - 105-110 units - of affordable housing offered at 30%, 50%, 60%, and 80% MFI, which is more units and at a significantly deeper affordability level than IZ regulations would require. This new housing would provide mixed-income housing in a desirable and accessible location.

### **Environmental Protection Element**

*The overarching goal for the Environmental Protection Element is to protect, restore, and enhance the natural and human-made environment in Washington, DC, taking steps to improve environmental quality and resilience, adapt to and mitigate climate change, prevent and reduce pollution, improve human health, increase access to clean and renewable energy, conserve the values and functions of Washington, DC's natural resources and ecosystems, and educate the public on ways to secure a sustainable future. 601.1*

#### ***Policy E-1.1.2: Urban Heat Island Mitigation***

*Wherever possible, reduce the urban heat island effect with cool and green roofs, expanded green space, cool pavement, tree planting, and tree protection efforts, prioritizing hotspots and those areas with the greatest number of heat-vulnerable residents. Incorporate heat island mitigation into planning for GI, tree canopy, parks, and public space initiatives. 603.6*

#### ***Policy E-2.1.2: Tree Requirements in New Development***

*Use planning, zoning, and building regulations to promote tree retention and planting, as well as the removal and replacement of dying trees when new development occurs. Tree planting and landscaping required as a condition of permit approval should include provisions for ongoing maintenance. 605.6*

#### ***Policy E-2.1.3: Sustainable Landscaping Practices***

*Encourage the use of sustainable landscaping practices to beautify the District, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. District government, private developers, and community institutions should coordinate to significantly increase the use of these practices, including planting and maintaining mostly native trees and other plants on District-owned land outside the right-of-ways in schools, parks, and housing authority lands. 605.7*

#### ***Policy E-4.1.1: Maximizing Permeable Surfaces***

*Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce runoff. 615.3*

***Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff***

*Promote an increase in tree planting and vegetated spaces to reduce stormwater runoff and mitigate the urban heat island, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 615.4*

***Policy E-4.1.3: GI and Engineering***

*Promote GI and engineering practices for rainwater reclamation and wastewater reuse systems. GI practices include green roofs, bioretention facilities, permeable pavement, and rainwater harvesting. Green engineering practices include emerging wastewater treatment technologies, constructed wetlands, and purple pipe systems or other design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated. 615.5*

***Policy E-4.2.1: Support for Green Building***

*Broaden the requirements for the use of green building methods in new construction and rehabilitation projects to include all building typologies, and develop green building standards for minimum performance or continued improvement of energy use through improved operation and maintenance activities. 616.3*

The Applicant intends for the project to achieve LEED Gold standards and the buildings would have rooftop solar panels and green roofs. The project's streetscape improvements include planting trees and the installation of a pervious paving system within the public alleys along the south and east sides of the Phase II-A Building.

**Economic Development Element**

*The overarching goal for economic development in the District is to drive inclusive economic expansion and resilience by growing the economy and reducing employment disparities across race, geography, and educational attainment status. 701.1*

***Policy ED-2.2.1: Expanding the Retail Sector***

*Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers, and visitors, and that will meet the retail needs of communities across the District and particularly in underserved communities. 708.6*

***Policy ED-2.2.3: Neighborhood Shopping***

*Create and support additional shopping opportunities in Washington, DC's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately scaled retail infill development on vacant and underused sites. Promote the creation and growth of existing locally owned, nonchain establishments because of their role in creating unique shopping experiences, as well as in generating stronger local supply chains that facilitate community wealth building. 708.8*

***Policy ED-2.2.4: Support Local Entrepreneurs***

*Support the efforts of local entrepreneurs who enhance the District's economy by manufacturing and retailing goods within Washington, DC, which increases the local employment and tax revenue generated by consumer retail spending. 708.9*

***Policy ED-2.2.8: Innovative Retail***

*Identify and implement innovative retail strategies. This could include supporting pop-up or mobile retailers in neighborhoods with insufficient or unproven market demand for new stores. These strategies can help new businesses become established, or introduce new products and concepts, provide seasonal merchandise and services, and fill commercial buildings during short-term vacancies. 708.13*

***Policy ED-2.5.1: Support for PDR Areas***

*Support business attraction, business retention, and technical assistance targeted toward PDR areas. Partner with stakeholders to develop and implement initiatives. 711.6*

***Policy ED-3.2.2: Small Business Incubators***

*Support small business incubators that provide space for lease to small and emerging businesses at low cost with flexible terms, paired with business development advisory services. Encourage entrepreneurship and workforce development in maker industries, particularly for businesses of color. 714.7*

The proposed mixed-use development would have approximately 18,000 GFA of makerspace use on a site that currently does not have retail uses. With new residential units and a location close to Metro, this provides an opportunity for innovative maker space uses that are potentially locally-owned and neighborhood-serving services to be provided in this location.

**Urban Design Element**

*The overarching goal for urban design in the District is to enhance the beauty, equity, and livability of Washington, DC by reinforcing its historic design legacy and the identity of its neighborhoods and centers, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and function of streets and public spaces. 901.1*

***Policy UD-2.1.7: Streetscapes That Encourage Activation***

*Design new streetscape projects with public spaces that can be flexibly programmed to enhance public life with short- or long-term uses throughout the year to meet the needs of a wide variety of community members. Such spaces can be sites for creative placemaking efforts, block parties, festivals, markets, pop-up retail, or food trucks. 908.9*

***Policy UD-2.2.4: Transitions in Building Intensity***

Design transitions between large- and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single-family or row houses) can be made more pleasing and gradual through a variety of context-specific design strategies, such as a slender massing of taller elements, stepping back the building at floors above its neighbors' predominant roof line, stepping a building's massing down to meet the roof line of its neighbors, or strategic placement of taller elements to mark corners, vista terminations, or large open-space frontages. 909.9

***Policy UD-2.2.5: Infill Development***

New construction, infill development, redevelopment, and renovations to existing buildings should respond to and complement the defining visual and spatial qualities of the surrounding neighborhood, particularly regarding building roof lines, setbacks, and landscaping. Avoid overpowering contrasts of scale and height as infill development occurs. 909.10

***Policy UD-4.2.1: Scale and Massing of Large Buildings***

Design the scale, height, volume, and massing of large buildings to avoid monotony and enhance the human scale. Varied roof heights, facade widths, and more expressive massing can provide variety and visual interest. Massing should be articulated with a special emphasis placed on corners, especially along important view corridors or intersections. Patterns of architectural elements, expressive structure, or other design tactics can provide variety and visual interest. 918.3

***Policy UD-4.2.2: Engaging Ground Floors***

Promote a high standard of storefront design and architectural detail in mixed-use buildings to enhance the pedestrian experience of the street. Promote a high degree of visual interest through syncopated storefronts

that vary every 20 to 30 feet, provide direct lines of sight to interior social spaces, provide socially oriented uses along the public street, and use tactile, durable materials at the ground level. 918.4

***Policy UD-4.2.4: Creating Engaging Facades***

Design new buildings to respond to the surrounding neighborhood fabric by modulating façade rhythms and using complementary materials, textures, and color, as well as well-designed lighting. Varying design tactics may be used to engage a building with its surroundings. In contexts with smaller lot sizes and multiple closely spaced building entrances, breaking up a building façade in the vertical direction is encouraged, along with strongly defined and differentiated bases, centers, and tops of buildings. In areas lacking a strong building-form pattern, the use of complementary or reinterpreted materials and colors could strengthen architectural identity see Figure 9.19 for recommended façade design strategies). 918.6

The larger and taller West Building would be located along the railroad tracks on the west side of the Reed Street alley, away from lower density residential properties to the east, and the design includes building façade articulation including balconies and a variety of building materials that provide visual interest.

The proposed Phase II building is designed to be smaller in scale as it relates to the neighboring residential row dwellings. The building would be setback from the property line on the south and east sides to provide a buffer and there would be a setback above the 4<sup>th</sup> floor to reduce the massing. There would be walkout units along the south side abutting the alley abutting residential row dwellings providing pedestrian activity and a row dwelling scale along that alley.

In both buildings the design shows setbacks and courts at the ground floor level to allow for an improved streetscape experience and the ground floor retail spaces would be engaging for pedestrians. The Applicant has reconfigured Reed Street and it could be used for a farmers market or other community gathering space. More information is needed to better assess aspects of the building design related to public space improvements.

**Equity Lens**

The Implementation Element calls for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.* 2501.8” The direction indicates that the equity analysis is intended to be based on the policies of the Comprehensive Plan and part of the Commission’s consideration of whether a proposed zoning action is “not inconsistent” with the Comprehensive Plan, rather than a separate determination about a zoning action’s equitable impact. Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning, where certain priorities stand out. These include affordable housing, displacement, and access to opportunity.

One of the key ways the Comprehensive Plan seeks to address equity is by supporting additional housing development. The Comprehensive Plan recognizes that without increased housing, the imbalance between supply and demand will drive up housing prices in a way that creates challenges for many residents, particularly low-income residents. The Comprehensive Plan further recognizes the importance of inclusionary zoning requirements in providing affordable housing opportunities for households of varying income levels.

The Comprehensive Plan’s Upper Northeast Area Element provides demographic data about this Planning Area:

*Half the housing units in Upper Northeast are single-family homes. According to the 2017 Census, about 19 percent of the units were single-family detached homes, and 31 percent were row houses and townhomes. Both of these figures exceed the District-wide total.*

*According to the 2017 Census, median household income in Upper Northeast was \$62,605 compared to a District-wide median of \$77,649. Approximately 18 percent of the area's residents lived below the federal poverty level. This is slightly higher than the poverty level District-wide, at 17 percent.*

*Approximately 70 percent of the area's residents are Black, which is higher than the District-wide total of 48 percent. Since 2000, the Black population has decreased from 51,705 residents to 49,614 residents. Approximately ten percent of the area's residents are of Hispanic/ Latino origin, which is an increase compared to three percent in 2000. The area has also experienced an increase in the foreign-born population, increasing from five percent in 2000 to 12 percent in 2017. The foreign-born population is lower than the District-wide total of 14 percent.*

*The Planning Area is projected to add approximately 22,565 households by 2045, and its population is projected to rise about 60 percent to 112,756 residents. The primary areas of population growth are around the Metro stations at Fort Totten, Brookland, NoMa-Gallaudet U, and Rhode Island Avenue; along major corridors like New York Avenue, Rhode Island Avenue, and North Capitol Street; at Fort Lincoln; and in the vicinity of Hechinger Mall/Benning Road.*

*Data from the District Department of Employment Services and the Office of Planning indicate that Upper Northeast had 30,731 jobs in 2017, primarily in institutional uses and in the production, distribution, and repair sector. This represents four percent of the city's job base. The Planning Area has about 1.1 jobs per household. The number of jobs is expected to increase from 29,395 in 2015 to 52,846, an increase of about 78 percent over the next 30 years. Most of the increase is associated with redevelopment of key parcels along the New York Avenue and Bladensburg corridors, and mixed-use development around the Metro stations. Expansion of industrially zoned acreage in the area is not expected. In fact, most of the employment growth will be the result of the planned conversion of former industrial land to new uses, especially near Metro stations, as identified in Small Area Plans such as the Brookland/CUA Small Area Plan and Florida Avenue Market Small Area Plan.*

Additionally, according to the 2019 Housing Equity Report and the State Data Center, the Upper Northeast Planning Areas has 9% of the District's affordable housing units, and ANC 5B, where this project would be located, has .4% of the affordable housing. The Planning Area's goal is to create 6,900 new housing units and 1,350 new affordable housing units and this project would significantly support that goal.

The proposed development is a mixed-use development that would provide market-rate and affordable housing (under the District's Inclusionary Zoning program). The project would not displace any existing residents since the site does not currently allow for residential use. The PUD would provide approximately 723 units of new housing with 15 percent of the units set aside as affordable housing, which is more than would be required by zoning. Approximately 105-110 units would be affordable with units offered at 30%, 50%, 60%, and 80% MFI, which provides a deeper level of affordability than required by zoning. At least two of the affordable residential units would have three bedrooms and there would be additional three-bedroom market rate units, which would create housing opportunities in this area for families. As noted above, the area is expected to grow significantly and housing is needed in this area.

The mixed use development would also provide ground floor commercial development with maker space uses. The maker space retail use due to the PDR striping of the site could bring job opportunities for future employees with possibly a range of skills and provide needed job diversity. There would be construction jobs as part of the development, which would be constructed in two phases.



The development would be transit-accessible with its close proximity to a Metrorail station and other forms of transit allowing for residents to have access to employment and other needs. The project provides streetscape improvements providing connectivity and improved pedestrian experience for all residents. The project would provide environmental benefits including innovative storm water management and new street trees as well as the removal of industrial uses that could have negative health impacts on adjacent residential uses.

Overall, when evaluated through a racial equity lens, the project would not be inconsistent with the Comprehensive Plan

### **Upper Northeast Area Element**

#### ***Policy UNE-1.1.2: Compatible Infill***

*Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially- zoned properties exist. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low-income, as well as those of moderate and higher incomes. 2408.3*

#### ***Policy UNE-1.1.3: Metro Station Development***

*Capitalize on the presence of the Metro stations at Rhode Island Avenue, Brookland-CUA, and Fort Totten, to provide new transit-oriented housing, community services, and jobs. New development around each of these three stations is strongly supported. Locating higher-density housing near Metro stations minimizes the impact of cars and traffic that would be expected if the residents lived farther from high-capacity transit. The District will coordinate with WMATA to make the design, density, and type of housing or other proposed development at these stations is compatible with surrounding neighborhoods; respects community concerns and feedback; and serves a variety of household incomes. Development shall comply with other provisions of the Comprehensive Plan regarding the compatibility of new land uses with established development, such as existing production, distribution, and repair (PDR) uses. Development shall also comply with other Comprehensive Plan guidance regarding the provision of appropriate open space, management of mobility, and public services. 2408.4*

#### ***Policy UNE-1.1.6: Neighborhood Shopping***

*Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12th Street NE in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian-oriented retail activity should also be encouraged around the area's Metro stations. 2408.7*

#### ***Policy UNE-2.5.3: Redevelopment of Older Commercial and Industrial Sites***

*Encourage the long-term reuse of older commercial and industrial sites in the Rhode Island Avenue Metro station vicinity with mixed uses, including housing and PDR uses. Future mixed-use development should be pedestrian-oriented, with design features that encourage walking to the Metro station and nearby shopping. 2415.7*

#### ***Policy UNE-2.5.4: Pedestrian Improvements***

*Enhance pedestrian connections between the neighborhoods around the Rhode Island Avenue Metro station and the station itself. This should include improvements to the public realm along Rhode Island Avenue, with safer pedestrian crossings, street trees, and other amenities that make the street more attractive. 2415.8*

The Area Element encourages this type of mixed-use development near the Rhode Island Avenue Metro. The project would provide compatible infill, transit-oriented housing, neighborhood-serving commercial uses, streetscape improvements, and pedestrian safety measures.

### **C. Rhode Island Small Area Plan**

In 2011 the D.C. Council adopted the Rhode Island Avenue Diamond of the District Small Area Plan, which recommended that Subarea 1 from 4<sup>th</sup> Street NE to 10<sup>th</sup> Street NE, where the PUD site is located, encourages “Transit Oriented Development at medium to high density.”

For Site E of SubArea 1, where the PUD site is located, the Plan states:

*10. Over 1.1 million SF of unused building area currently with the potential of 640,000 SF of non-parking building area. Has potential to yield over 7,200 SF of retail and 168,000 SF of office.*

*11. With change in zoning supported by Comprehensive Plan, the site has potential add over 400,000 SF of building area. Has potential to yield 530 housing units mixed with 350,000 SF of office, 13,000 SF of retail and 250,000 SF of office/ light production.*

## **VII. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES**

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or results in an action inconsistent with the Comprehensive Plan. The Applicant requests a PUD and related map amendment, which is not inconsistent with the Comprehensive Plan maps and policies as discussed in Section VI.

The purpose and standards for Planned Unit Developments are outlined in Subtitle X, Chapter 3 of the zoning regulations. The PUD process is intended to:

*“provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD:*

*(a) Results in a project superior to what would result from the matter-of-right standards;*

*(b) Offers a commendable number or quality of meaningful public benefits; and*

*(c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan” (§ 300.1).*

In order to approve the Consolidated PUD, the Commission must find that it would not be inconsistent with the Comprehensive Plan, would not result in unacceptable impacts on the area or on city services, and includes public benefits and project amenities that balance the flexibility requested and any potential adverse effects of the development (§§ 304.3 and 304.4).

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities.

*“Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title” (§ 305.2). “A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors” (§ 305.10).*

Section 305.5 lists several potential categories of benefit and proffers.

*“A project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many” (§ 305.12). The Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)” (§ 305.11).*

The Applicant has offered the following amenities and benefits as an offset to the additional development gained through the PUD application process. The applicable regulations of Subtitle G Section 305.3 for the “public benefits of the proposed PUD” are noted under each category heading.

**A. Housing and affordable housing**

*305.5 (f) Housing that:*

- (1) Exceeds the amount that would have been required through matter-of-right development under existing zoning;*
- (3) Provides units with three (3) or more bedrooms;*

*305.5 (g) Affordable housing; except that:*

- (1) Affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter 22, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning. In determining whether this standard has been met, the Zoning Commission shall balance any net gain in gross floor area against any loss of gross floor area that would have been set-aside for Inclusionary Units in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter 10; and*
- (2) A PUD application proposing Inclusionary Units with deeper affordability than what would be required by IZ for the existing zone, or for the proposed zone if a map amendment is sought, shall propose only a household income level published in the Rent and Price Schedule established by the IZ Act that is in effect as of the date the PUD application was filed;*

Overall, the 723 units of new housing could not be created if the site was developed as a matter-of-right under the existing PDR zoning since multifamily residential use is not permitted in PDR zones.

Additionally, the project would offer more affordable units than required through Inclusionary Zoning and at deeper levels of affordability:

- 10% GFA - 80% MFI
- 80% GFA - 60% MFI
- 5% GFA - 50% MFI
- 5% GFA - 30% MFI

The application states there would be two 3-bedroom affordable units and the Applicant has indicated there will be additional 3-bedroom units provided in the plans prior to the public hearing.

**B. Transportation**

*305.5 (o) Transportation infrastructure beyond that needed to mitigate any potential adverse impacts of the application including, but not limited to, dedication and/or construction of a public street or alley; maintenance of a street median; or provision of a public easement for a pedestrian walkway that would not otherwise be required;*

A significant transportation-related benefit of the project is the realignment and reconstruction of Reed Street alley and its connection to Franklin Street, NE. as well as new sidewalks and streetscape improvements. Additionally, the Applicant would repave two alleys with a pervious paver system, improving stormwater management and providing traffic calming. The Applicant has committed to DDOT to provide a number of other improvements and mitigation (list provided in Exhibit 3). The Applicant is also proposing to install a Capital Bikeshare station.

### **C. Environmental Benefits**

*305.5 (k) Environmental and sustainable benefits to the extent they exceed the standards required by zoning or other regulations including, but not limited to:*

*(5) Meeting the minimum standards for Leadership in Energy and Environmental Design (LEED) Gold certification. The project does not have to achieve actual LEED certification; however, the developer must include the LEED checklist and documentation in the application, approved by a LEED Accredited Professional (LEED-AP) that shows that the project will comply with LEED requirements;*

The PUD would be designed to LEED Gold standards under the LEED v4 Multifamily Midrise standard and includes a number of sustainable features including solar panels and green roofs. The Applicant plans to repave the alleys off 10th Street and Evarts Street with a pervious paver system that will improve stormwater management in the immediate area.

### **D. Streetscape Improvements**

*305.5 (b) Superior landscaping, or creation or preservation of open spaces;*

*305.5 (l) Streetscape plans, subject to approval by the Department of Transportation Public Space Committee including implementation and maintenance of the streetscape for the duration of the project for areas where there are no design standards;*

The project includes a significant realignment of Reed Street and the closing of alley legs to create an improved street system and overall pedestrian experience. There would be streetscape improvements including new paving for sidewalks, street lighting fixtures, and trees on Reed Street and the south side of Franklin Street plus two alleys would be repaved with pervious pavers.

### **E. Community Contributions**

*305.5 (q) Uses of special value to the neighborhood or the District of Columbia as a whole;*

See Appendix A for the Applicant's commitment of various contributions to the community. The application states "all monetary contributions proffered by the Applicant are in accordance with 11-X DCMR § 305.3(d) since either the monetary contribution will be made to a District of Columbia government program or the Applicant commits that no final certificate of occupancy for the PUD will be issued unless the Applicant provides evidence to the Zoning Administrator that the items or services funded have been or are being provided."

## **VIII. AGENCY REFERRALS**

If this application is set down for a public hearing, the Office of Planning will refer it to the following District agencies for review and comment:

- Department of Energy and the Environment (DOEE)

- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- DC Public Schools (DCPS)
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water

## **Appendix A**

*305.5 (q) Uses of special value to the neighborhood or the District of Columbia as a whole;*

1. Within the application, the Applicant has committed to providing the following prior to the issuance of the Phase I Certificate of Occupancy:

### **Contributions to Noyes Elementary School**

The Applicant shall contribute a total of \$100,000 to support projects at the Noyes Elementary School ("Noyes"). Noyes is an arts integration school, where its teachers use art strategies to help students better understand math, reading, social studies, and science content. Noyes offers academic enrichment, wellness and fitness, arts and culture, and special education programs.

Based on initial input, the contributed funds are proposed to be split as follows: (1) \$63,000 to D.C. Public Schools to fund (a) upgrades to the auditorium (which doubles as a public meeting and community space), (b) upgrades to the science garden, (c) upgrades to the science lab classroom, and/or (d) other similar projects for additional funds that are not used, all as specifically set forth in the attached letter from Noyes Elementary School attached as Exhibit K; and (2) \$37,000 to the Parent-Teacher Organization for teacher special projects, field trips and/or additional electronic equipment for classrooms (computers or iPads), all as specifically set forth in the attached letter from the Noyes Elementary Parent Teacher Organization attached as Exhibit L.

### **Contribution to Greater Brookland Intergenerational Village ("GBIV")**

The Applicant shall contribute \$50,000 to the GBIV, which is a grassroots nonprofit dedicated to helping elder neighbors develop the relationships and tools needed to age gracefully and successfully in the Brookland community. GBIV helps neighbors run regular social and wellness activities and educational workshops, leads discussions on aging-related topics (e.g., job searching in the digital age), and coordinates volunteer opportunities to provide one on one assistance to neighbors. The \$50,000 contribution will fund the Age Well Together Initiative for one year. This initiative is comprised of two focus areas – "Programs" and "Inclusion" - both geared towards addressing social isolation in older adults. Approximately \$29,000 of the contribution will be used for Programs to expand the virtual and in-person social, wellness and education resources. The remaining \$21,000 of the contribution will be used for Inclusion and such funds will be used to recruit participants that reflect the rich diversity of Ward 5. The Applicant will provide additional details as to this amenity, including a letter from GBIV, prior to a public hearing on the Project.

### **Contribution to the Village of Brookland Traditional Public Schools (the "Village")**

The Applicant shall contribute \$30,000 to the Village, which is a nonprofit organization (501(c)(3)) which provides opportunities for all student to thrive in the Brookland community by focusing on the right for all children to have a highquality education. The Village engages with traditional public schools in the community, including the following five schools: John Burroughs Elementary School, Noyes Elementary School, Bunker Hill Elementary School, Brookland 38 #152972595\_v7 Middle School, and Luck C Moor Opportunity Academy. The \$30,000 contribution will provide for increased learning resources for each school, including field trips, multicultural books, and STEAM support. Each school will receive \$3,600 to support these efforts, for a total of \$18,000. The remaining funds (approximately \$12,000) will be given to each school (in an amount of \$2,400 per school) to be used for technological tools, arts integration, professional development and international experiences as determined by the principal of the school. The Applicant will provide additional details as to this amenity, including a letter from the Village, prior to a public hearing on the Project.

### **Contribution to the Mint Project, Inc.**

The Applicant shall contribute \$20,300 to the Mint Project, Inc., which hires at-risk and homeless young people and students from the community to become Project Management Interns. These interns complete beautification projects for community spaces in need. The funding will be used to secure materials and programming to beautify and support a new Wholistic Health and Nature driven Tele-therapy Clinic. Installation will be modular and moveable to ensure the impact of these funds remain lasting. The Applicant will provide additional details as to this amenity, including a letter from the Mint Project, Inc., prior to a public hearing on the Project.

### **Contribution for Expansion of Garden Area in Noyes Park**

The Applicant shall contribute \$50,000 to either the DC Department of Parks and Recreation or the Friends of Noyes Park to fund the labor and materials for the expansion of the garden area in Noyes Park. The proposed scope of work is the creation of approximately 20 additional garden plots, including surface preparation and installation of soil and fencing. The Applicant will provide additional details as to this amenity prior to a public hearing on the Project.

### **Contribution to Mary House**

The Applicant is offering to contribute \$20,000 to Mary House to fund supplemental housing assistance and other social services. Mary House is a non-profit (501(c)(3)), community-based transitional organization that has provided housing and support services to low-income immigrant and refugee families for over 35 years. The goals of Mary House are twofold: to provide a stable and nurturing environment for vulnerable families and to build customized support programs aimed at building their independence and self-sufficiency. Over time, Mary House has cultivated a strong relationship with ANC 5B, as 10 of its 13 facilities are located within ANC 5B's jurisdiction. The designated funds will cover housing and social services for three families residing in ANC 5B, as is set forth in the letter from Mary House attached as Exhibit M.

2. Additionally, the Applicant has committed to providing the following prior to the issuance of the Phase II Certificate of Occupancy:

### **Design of Reed Street for Farmers Market and Associated Contribution**

The design of Reed Street will accommodate the incorporation of a seasonal Farmers Market. The Farmers Market amenity will be located on Reed Street, in the area north of Evarts Street and south of the east-west alley (i.e., on the south side of the Phase II-A Building). A plan showing the proposed location and design of the Farmers Market is included with Sheet \_\_ of the Plans.

The Farmers Market will be coordinated with FreshFarms, a non-profit based in Washington, DC that promotes sustainable agriculture and improves food access and equity in the Mid-Atlantic region. FreshFarms has indicated that its costs approximately \$30,000 to operate, on average, which includes equipment, insurance, permits, management, and programming. To support the creation of the Farmers Market, the Applicant will also contribute \$140,000 for the start-up costs associated with creation of the seasonal Farmers Market. This contribution is estimated to fund up to five years of operations and will be placed in an escrow fund for use by FreshFarms to support the Farmers Market annually. The Applicant will provide additional details as to this amenity, including a letter from FreshFarms, prior to a public hearing on the Project.

FreshFarms has requested additional physical support to include access to electrical outlets and a hose spigot, which the Applicant will commit to provide. In addition, FreshFarms has indicated that the Farmers Market needs access to a storage room in order to house tents, tables and other equipment necessary to operate the Farmers Market. The Applicant commits to providing a designated storage room within the Project for use by operator of the Farmers Market for so long as the Farmers Market is located along Reed Street.

**Contribution for Off-Site Dog Park**

The Applicant will contribute up to \$50,000 for the creation of an off-site dog park within the boundaries of ANC 5B. The Applicant will work with the DC Department of Parks and Recreation and will provide additional details as to this amenity prior to a public hearing on the Project.

**Additional Contribution to GBIV**

The Applicant will contribute an additional \$50,000 to GBIV to fund an additional year of the above-described programs.

**Additional Contribution to The Village**

The Applicant will contribute an additional \$30,000 to the Village, as a second installment, to fund efforts to achieve racial justice and resource equity. Of this contribution, \$12,000 will be distributed based on a community vote, with the goal of providing these funds to the school experiencing the greatest inequity: \$12,000 will be used at the discretion of teachers for classroom resources and family engagement opportunities (\$2,400 / school); and \$6,000 will be dedicated toward the Village's operations and marketing efforts. As noted above, the Applicant will provide additional details as to this amenity, including a letter from the Village, prior to a public hearing on the Project.